

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

YAZMIN GONZALEZ,

Plaintiff,

V.

**JUMPSTART FINANCIAL, LLC, a
Texas Limited Liability Company,
ARNOLD & SMITH LAW, PLLC, an
Oklahoma Professional Limited Liability
Company,**

Defendants.

EP-22-CV-00455-FM

FINAL JUDGMENT AND DISMISSAL

The court will be dismissing this cause without prejudice pursuant to Federal Rule of Civil Procedure 4 after the Plaintiff failed to serve Defendants. FRCP 4 states “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.”¹

The complaint was filed on December 9, 2022.² After which, the Plaintiff failed to serve Defendants within ninety days. The court then gave notice to Plaintiff of her failure to serve and gave her a month to complete service or be dismissed pursuant to FRCP 4.³ The Plaintiff did not complete service by the deadline. Additionally, the Plaintiff has not kept the court informed of her

¹ FED R. CIV. P. 4(m).

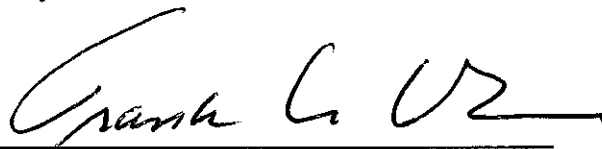
² “Plaintiff’s Original Complaint” 1, ECF No. 1, filed Dec. 9, 2022.

³ “Order to Serve Defendants” 1, ECF No. 3, filed May 1, 2023.

current address and contact information. The certified mailing of the court's order to serve was returned as undeliverable as addressed. The clerk's office called Plaintiff four times at her listed phone number, and she did not answer. Accordingly, the court enters the following orders:

1. It is **HEREBY ORDERED** that the cause is **DISMISSED WITHOUT PREJUDICE**.
2. All pending motions, if any, are **DENIED AS MOOT**.
3. The Clerk of the Court is **INSTRUCTED** to **CLOSE** the cause.

SIGNED AND ENTERED this 30 day of May 2023.

A handwritten signature in black ink, appearing to read "Frank L. Montalvo", written over a horizontal line.

FRANK MONTALVO
SENIOR UNITED STATES DISTRICT JUDGE